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10/811,314	03/26/2004	Seppo Pohja	NOKM.091PA	9647

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EXAMINER	
FISHER, PAUL R	
ART UNIT	PAPER NUMBER
3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,314	POHJA ET AL.	
	Examiner	Art Unit	
	PAUL R. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/3/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits. Claims 1-26, as amended on November 18, 2005, are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claim 1, the preamble states that it is “a method of marketing a commercial activity”; however no step of marketing takes place in the claim. Further the recited step of “the user-perceivable experience configured for purposes of marketing the commercial activity” isn’t the same as marketing a commercial activity. As currently written the claim appears to be directed toward a distributed computing task which doesn't have to include marketing a commercial activity.

5. Claims 2-9, depend from claim 1 and are therefore rejected under the same rationale.

6. In claim 26, the preamble states that it is “a method of marketing a commercial activity”; however no step of marketing takes place in the claim. Further the recited step of “a user-perceivable experience via the computing arrangement for purposes of marketing the commercial activity” isn’t the same as marketing a commercial activity. As

currently written the claim appears to be directed toward a distributed computing task which doesn't have to include marketing a commercial activity.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rick Shefchik: "Every day, more PC users join in hunt for alien life" (Oct 15, 1999) hereafter Shefchik, in view of Hubbard (US 2001/0039397 A1)**.

As per claim 1, Shefchik disclose a method of marketing a commercial activity, comprising:

sending processor-executable code to a plurality of users (page 2, paragraph 4; discloses that users are sent packets to be analyzed);

requesting that the users run the processor-executable code on network-coupled computing arrangements accessible by the users (page 2, paragraphs 7, 12 and 13; disclose that the program involves requesting users to download a packet of information and then analyze it, part of this is running the SETI code to analyze the packet of information);

running the processor-executable code on each of the computing arrangements to perform distributed computing tasks on the computing arrangement, the distributed computing tasks working in concert to solve a computational problem (page 2,

paragraphs 13-15; disclose that the various packets of information are analyzed on various computers and then all sent to SETI for further analysis, all of this computing devices work together to examine this vast amount of data); and

providing, as a result of the distributed computing task, a user-perceivable experience via the computing arrangements, the user-perceivable experience configured for purposes of marketing the commercial activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the

ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

As per claim 2, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem comprises a processor-implemented creation of a product related to the commercial activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the computational problem could be any number of things and could be related to the commercial activity).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 3, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem comprises rendering of video (page 4, paragraph 0055; teaches that it can be done for graphics rendering).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 4, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the user-perceivable experience comprises displaying of rendered frames on the computing arrangements (page 2, paragraph 12; disclose that the program acts as a screen saver rendering frames for the user).

As per claim 5, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the commercial activity comprises creation of a motion picture (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that it can be done for graphics rendering it would have been obvious that these frames could have been for a motion picture).

The Examiner further asserts that the type of commercial activity itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 6, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein two or more of the computing arrangements perform the distributed computing tasks in a peer-to-peer arrangement (page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer arrangement).

As per claim 7, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangements perform the distributed computing tasks in coordination with a centralized server

arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 8, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing tasks include gathering input from the users of the computing arrangements (page 2, paragraph 14; discloses that the users of the system submit data to SETI).

As per claim 9, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing tasks include storing data on the computing arrangements (page 2, paragraph 13; discloses that the information is downloaded on to the users system before being analyzed).

As per claim 10, Shefchik discloses a computer-readable medium having instructions stored thereon which are executable by a computing arrangement capable of being coupled to one or more computing entities via a network (page 2, paragraph 12; discloses that users must download software from the host site, this software enabling them to partake in the distributive computing process) for performing steps comprising:

performing a distributed computing task on a processor of the computing arrangement, the distributed computing task performed in concert with the one or more computing entities to solve a computational problem (page 2, paragraph 13-15; discloses that the data is analyzed using the various computing devices and all of the data is sent to SETI for further analysis);

providing, as a result of the distributed computing task, a user-perceivable experience via an output of the computer arrangement, the user-perceivable experience configured for purposes of promoting a commercial marketing activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the user's computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

As per claim 11, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem

comprises a processor-implemented creation of a product related to the commercial marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the computational problem could be any number of things and could be related to the commercial activity).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 12, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangement is coupled to one or more of the computing entities in a peer-to-peer arrangement to perform the distributed computing task (page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer arrangement).

As per claim 13, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the distributed computing task is performed in coordination with a centralized server arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 14, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing task includes gathering input from the user of the computing arrangement (page 2, paragraph 14; discloses that the users of the system submit data to SETI).

As per claim 15, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing task comprises storing data on the computing arrangement (page 2, paragraph 13; discloses that the information is downloaded on to the users system before being analyzed).

As per claim 16, Shefchik discloses a system comprising:

a plurality of network-coupled computing arrangements, each computing arrangement including a processor coupled to a memory (page 2, paragraph 12; discloses that all users must have a set number of ram and hard drive space and since they are performed on a computer must include a processor), the memory containing instructions configured to cause the processor to,

perform a distributed computing task on each computing arrangement, the distributed computing task operating in concert with other computing arrangements of the plurality of computing arrangements to solve a computation problem (page 2, paragraphs 13-15; disclose that the data is analyzed using the various computing devices and all of the data is sent to SETI for further analysis); and

initiate a user-perceivable experience on each computing arrangement as a result of the distributed computing task, wherein the user-perceivable experience is related to a commercial marketing activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

As per claim 17, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem comprises a processor-implemented creation of a product related to the commercial marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the computational problem could be any number of things and could be related to the commercial activity).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the

method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 18, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein two or more of the computing arrangements are coupled in a peer-to-peer arrangement to perform the distributed computing task (page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer arrangement).

As per claim 19, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches a network-coupled centralized server arrangement, wherein the computing arrangements perform the distributed computing task in coordination with the centralized server arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 20, Shefchik discloses a computing arrangement capable of being coupled to one or more computing entities via a network (page 2, paragraph 7; discloses that various users are working together for a “distributive computing” project), comprising:

a processor coupled to a memory and a user interface (page 2, paragraph 12; discloses that all users must have a set number of ram and hard drive space and since they are performed on a computer must include a processor), the memory containing instructions configured to cause the processor to,

perform a distributed computing task operating in concert with other computing arrangements of the plurality of computing arrangements to solve a computational

problem (page 2, paragraphs 13-15; disclose that the data is analyzed using the various computing devices and all of the data is sent to SETI for further analysis); and

initiate a user-perceivable experience on the user interface of the computing arrangement as a result of the distributed computing task, wherein the user-perceivable experience is related to a commercial marketing activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the user's computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

As per claim 21, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem comprises a processor-implemented creation of a product related to the commercial marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the computational problem could be any number of things and could be related to the commercial activity).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 22, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangement is coupled to one or more of the computing entities in a peer-to-peer arrangement to perform the distributed computing task (page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer arrangement).

As per claim 23, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangement performs the distributed computing task in coordination with a centralized server arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 24, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangement

comprises a mobile terminal (page 3, paragraph 0048; teaches that the devices that can be used in such a system include wireless devices or mobile terminals).

As per claim 25, Shefchik discloses a system for marketing a commercial activity, comprising:

means for sending process-executable code to a plurality of users (page 2, paragraph 4; discloses that users are sent packets to be analyzed);

means for requesting that the users run the processor-executable code on network-coupled computing arrangements accessible by the users (page 2, paragraphs 7, 12 and 13; disclose that the program involves requesting users to download a packet of information and then analyze it, part of this is running the SETI code to analyze the packet of information);

means for performing a distributed computing task on each of the computing arrangements by running the processor-executable code on the computing arrangements, the distributed computing tasks working in concert to solve a computational problem (page 2, paragraphs 13-15; disclose that the various packets of information are analyzed on various computers and then all sent to SETI for further analysis, all of this computing devices work together to examine this vast amount of data); and

means for providing, as a result of the distributed computing task, a user-perceivable experience via the computing arrangements, the user-perceivable experience configured for purposes of marketing the commercial activity (page 2,

paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

As per claim 26, Shefchik discloses a method of marketing a commercial activity, comprising:

receiving processor-executable code at a computing arrangement capable of being coupled to a network (page 2, paragraph 4; discloses that users are sent packets to be analyzed, from this it is shown that the users of the system receive the file);

executing the processor-executable code the computing arrangement to perform a distributed computing task that works in concert with other computing arrangements to solve a computational problem (page 2, paragraphs 13-15; disclose that the various packets of information are analyzed on various computers and then all sent to SETI for further analysis, all of this computing devices work together to examine this vast amount of data); and

providing, as a result of the distributed computing task, a user-perceivable experience via the computing arrangement for purposes of marketing the commercial activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of

utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF
/Janice A. Mooneyham/
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